

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:12-cv-89-RJC**

SIDNEY NOEL HOFFMAN,)
)
 Plaintiff,)
)
 v.)
)
 LINCOLN COUNTY SHERIFF’S,)
 DEPARTMENT et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court on Plaintiff’s Motion to Proceed in forma pauperis, (Doc. No. 1-1), and Plaintiff’s Motion to Subpoena Documents for Evidentiary Purposes, (Doc. No. 2).

Plaintiff, who is proceeding pro se, is a pre-trial detainee currently being held at the Lincoln County Detention Center in Lincolnton, North Carolina. On July 2, 2012, Plaintiff filed a Complaint, pursuant to 42 U.S.C. § 1983, naming various officials as Defendants. In the Complaint, Plaintiff contends that Defendants were deliberately indifferent to his serious medical needs in that he was denied the use of a bottom bunk bed at the detention center despite that he had been “medically assigned” to the bunk because of a knee injury. See (Doc. No. 1 at 8, 11). Plaintiff also contends that Defendants discontinued the provision of a supplementary snack bag to Plaintiff, despite that Plaintiff needed it because of his drastic weight loss while at the detention center. See (Id. at 8; 10).

First, with regard to Plaintiff’s Motion to Proceed in forma pauperis, the Court has considered Plaintiff’s financial affidavit and has determined that Plaintiff qualifies for in forma pauperis status. Thus, Plaintiff’s motion to proceed in forma pauperis will be granted. As for

Plaintiff's Motion to Subpoena Documents for Evidentiary Purposes, the Court will deny the motion, as the time for discovery has not commenced. Indeed, the named Defendants have not been served with process.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's motion to proceed in forma pauperis, (Doc. No. 1-1), is **GRANTED**.
- (2) Plaintiff's Motion to Subpoena Documents for Evidentiary Purposes, (Doc. No. 2), is **DENIED without prejudice**.
- (3) Finally, the Court notes that Plaintiff has identified potential six (6) Defendants in the pro se Complaint. The Clerk is directed to mail summons forms to Plaintiff for Plaintiff to fill out and identify the named defendants in the summonses for service of process, and then return the summonses to the Court. Plaintiff is required to provide the necessary information for the U.S. Marshal to effectuate service. That is, in filling out each summons form, Plaintiff must attempt to identify the name of each Defendant, the position and place of employment for each Defendant, as well as each Defendant's address, to the best of Plaintiff's ability. Once the Court receives the summonses from Plaintiff, the Court will then direct the U.S. Marshal to effectuate service upon the named Defendants.

Signed: August 6, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

